

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

McCord Henry, as  
Personal Representative of the  
ESTATE OF LINDA HENRY,

Plaintiff,

v.

Case No.  
Hon:

DEPUTY MARTIN BLANK,  
DEPUTY TROY PACKARD,  
DEPUTY JAMES KOSIBOSKI,  
DEPUTY MATTHEW WEAVER,  
and BENZIE COUNTY,

Defendants.

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**COMPLAINT AND JURY DEMAND**

Plaintiff McCord Henry (“McCord”), as Personal Representative of the Estate of Linda Henry, by and through his attorneys, The Fierberg National Law Group, PLLC, brings this action against Defendants Benzie County and Benzie County Sheriff’s Office (“BCSO”) Deputies Martin Blank (“Blank”), Troy Packard (“Packard”), James Kosiboski (“Kosiboski”), and Matthew Weaver (“Weaver”) for their violations of Ms. Henry’s right to equal protection of the laws guaranteed by the Fourteenth Amendment to the United States Constitution, pursuant to 42 U.S.C. § 1983, and their violations of Michigan’s Elliott-Larsen Civil Rights Act, M.C.L. § 37.2101, *et seq.*, all of which caused and contributed to her brutal murder on February 4, 2022.

**INTRODUCTION**

1. Following Ms. Henry’s horrific death, her surviving family sought answers as to how a criminally insane and dangerous predator of women and young girls, Jeffrey Stratton (“Stratton”), was able to smash his way into Ms. Henry’s home, bludgeon her with logs and set her on fire.

2. Their investigation uncovered how Defendant Benzie County and its deputies well knew the imminent danger Stratton posed to women and girls, yet as a result of their explicit disdain for and mistreatment of women and girls, including survivors of domestic violence and child sexual assault, directly enabled him to murder Ms. Henry.

3. In just one of many examples, when BCSO's deputies were speaking about having returned guns to Stratton (in their words, "a nuts guy") – despite protestations from the woman whose life he had threatened and the psychiatrist treating Stratton pursuant to Court Order – BCSO deputies, speaking openly on Computer Aided Dispatch ("CAD"), and with no apparent fear of reprisal, stated, "suck it women lol," "eat a bag of dicks," "nom nom nom," and "tisk tisk the women's resource center is gonna complain again."

4. The Women's Resource Center is the lead non-profit organization providing advocacy, counseling, emergency housing and other services throughout Northern Michigan to survivors of domestic violence, the majority of whom, by a wide margin, are women and girls, the class of persons in Benzie County and its surrounding counties who those deputies disdainfully made clear should, in their patently discriminatory views, *"eat a bag of dicks."*

5. These open, shameful expressions of misogyny by deputies – including one who the BCSO subsequently promoted – reflect the policy, custom and practice of BCSO to treat women and girls at risk of imminent harm differently than men at risk of harm, both generally, and specifically when threatened by Stratton.

6. While such custom and practice is evidenced by express words, it is also evident in multiple incidents spanning a period of years, extending to just a few hours before Ms. Henry's murder when Stratton sought to break into the home of Ms. Henry's neighbor.

7. Inside the home – terrified – was the 14-year-old girl<sup>1</sup> that Stratton had sexually assaulted just days earlier.

8. Stratton had been released from the Benzie County jail pursuant to a Pretrial Release Order that authorized his *immediate* arrest if he approached his young victim.

9. In the late evening, shortly after his release and in violation of this Order, Stratton left his home, walked a short distance in the snow to the victim’s home, and tried to break in.

10. On her family’s call to 911, the girl screamed and begged to get “***someone here now!***” because: “***I’ve got a gun I am fourteen years old and the only one in the house that knows how to use it***” and “***I will shoot that man!***”

11. BCSO eventually came to the house, followed Stratton’s tracks in the snow directly back to his house, heard him inside, and invariably saw the psychotic scribbblings he had made on the front of his house.

12. Yet, BCSO officers did nothing, falsely assured the 14-year-old survivor and her mother that they were “all set for the night,” and left them and their neighbors (including Ms. Henry) in the path of imminent danger.

13. Hours later, Stratton emerged from his house, walked that path next door and murdered Ms. Henry.

14. The indifference and inaction the deputies displayed in response to AW’s frantic 911 phone call the night before Ms. Henry’s murder was in keeping with the BCSO’s deeply engrained custom and practice of treating women and girls at risk of imminent harm differently than men at risk of harm.

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<sup>1</sup> For purposes of this Complaint, Plaintiff refers to this minor sexual assault victim as “AW” to protect her identity and privacy.

15. The disdain BCSO's deputies openly expressed toward women, and the custom, policy, and practice for treating them differently, was so prevalent and widespread that it rose to the level of protecting their fellow male law enforcement officers at the expense of a female law enforcement officer employed by the National Park Service ("NPS"), who sought assistance after being threatened and terrorized outside her home by a man wearing a black ski mask.

16. Upon information and belief, in "responding" to the 2020 incident, BCSO learned that the masked man was a former BCSO Deputy and current law enforcement officer in Benzie County, nicknamed "Hutch."

17. BCSO deputies did not report, take action against, or even follow up with the NPS Ranger to disclose her harasser's identity.

18. Again, without fear of reprisal, they openly joked about the incident in a CAD-recorded conversation stating, "tell ranger \*\*\* that hutch was just messing around :)".

19. BCSO's dangerous policy, custom, and practice of disparate treatment of threats to women reported to BCSO in no less than ten instances *uncovered as of the filing of this Complaint and without the aid of discovery*, including by Stratton's former girlfriend, his sister, female neighbors, the psychiatrist treating Stratton, and other women, leading to and ultimately causing the death of Ms. Henry, are further identified below.

### **BACKGROUND**

20. On February 4, 2022, at approximately 2:00 p.m., Stratton left his residence and proceeded directly to Ms. Henry's home, his next-door neighbor, where he violently smashed through her sliding glass door.

21. Once inside, Stratton repeatedly bludgeoned Ms. Henry's head and face using multiple weapons, including a hammer, steel-scooped shovel, and firewood.

22. Stratton then stabbed Ms. Henry 17 times with a filet-style knife and set her on fire by dumping burning logs and hot embers from her woodstove onto her body.

23. Shortly before Stratton smashed through her sliding glass door, Ms. Henry had frantically called her son, McCord Henry, after noticing a man acting strangely on her property.

24. Through the telephone, McCord then heard glass shattering and a man shout: “Hello, Linda!”

25. When Ms. Henry demanded to know why Stratton had smashed through her door, he chillingly responded: “Because you’re evil.”

26. McCord jumped in his car and sped toward his mother’s house located approximately 35 minutes away.

27. As he drove, McCord called 911 and told first Leelanau County 911 Dispatch and then Benzie County 911 Dispatch that a deranged intruder had broken into his mother’s house through a sliding glass door with his helpless mother inside.

28. By the time law enforcement arrived it took “two and a half fire extinguishers and a backpack water tank filled with fire retardant and water to get [Ms. Henry’s] body to stop burning.”

29. BCSO officers instructed McCord to wait outside. Approximately a day later, after the crime scene had allegedly been thoroughly cleaned, McCord was finally permitted to enter his mother’s home after sitting outside for twelve hours with minimal updates from BCSO officers.

30. Once inside, he made two disturbing discoveries: several of his mother’s teeth under her charred bed and a piece of firewood embedded with his mother’s hair and blood, which was later taken as evidence.

31. While the details of Stratton's brutal murder of Ms. Henry are shocking, Stratton's actions on that day were far from unforeseeable to the BCSO, which knew, and was repeatedly warned by women and girls in the community, that Stratton posed an extreme danger to his female neighbors (both adults and minors), as well as the women and girls in the community more broadly.

32. By way of a single example, the month before he murdered Ms. Henry, Stratton was arrested and criminally charged for sexually assaulting a 14-year-old girl, "AW," a neighbor of both Stratton and Ms. Henry.

33. Benzie County released Stratton from custody pursuant to a Pretrial Release Order just two days before he would murder Ms. Henry.

34. The Order expressly authorized the BCSO to *immediately* arrest Stratton, without a warrant, if he violated any of the Order's conditions.

35. Stratton violated those conditions within a day of his release, when, on the night of February 3, 2022, Stratton tried to break into AW's home while she and her mother were alone inside.

36. AW's mother frantically called Dispatch and, with AW screaming in the background, pleading for help, telling Dispatch that: ***"He's violating his bond right now. And now he's slinking around our windows. We need someone here. This man is dangerous."***

37. AW and her mother were so terrified by Stratton and, upon information and belief, so concerned that the BCSO would not take the imminent threat he posed to them seriously, that AW ran and retrieved a gun.

38. Gun in hand, AW implored Dispatch to get ***“someone here now!”*** because: ***“I’ve got a gun I am fourteen years old and the only one in the house that knows how to use it”*** and ***“I will shoot that man!”***

39. Defendants Kosiboski and Packard were the BCSO officers dispatched to AW’s home.

40. By the time they arrived, Stratton had left. Only after AW’s and her mother’s urging did they follow his tracks in the snow that led directly from AW’s house back to Stratton’s front door, which was scrawled with demonic graffiti and other psychotic scribbles.

41. The officers heard Stratton inside but made no attempt to confront, question, or even make contact with him aside from a few knocks on his door.

42. Upon information and belief, those officers, along with other officers named as Defendants herein, knew that Ms. Henry lived just a few hundred feet from Stratton, was in her seventies and lived alone, and was set to operate a daycare out of her home within a matter of weeks.

43. Despite that knowledge, neither of the officers checked on Ms. Henry to warn her that Stratton had been released on a pre-trial bond or that he had already violated the bond by trespassing on AW’s property.

44. Nor did the officers, or anyone else from Benzie County, do anything to: monitor Stratton; deploy a multi-jurisdictional SWAT team to confront and extract him from his home like they had done to extract him from his vehicle less than three months earlier during a traffic stop when he posed a threat to a man (as further detailed below); implement measures to prevent him from returning to AW’s home or the homes of his other neighbors; or arrest him for his clear and unequivocal violation of his conditional Pretrial Release Order.

45. Instead, as part of and consistent with Benzie County's deeply engrained policy, practice, and custom of treating women and girls at risk of harm from criminal conduct with less priority, urgency, and seriousness than men at risk of harm from criminal conduct, Defendants Kosiboski and Packard walked back to AW's home and falsely assured AW and her mother that they were "all set for the night."

46. The officers then left in their squad car, leaving AW, her mother, and their female neighbors, including Ms. Henry, to protect and fend for themselves against Stratton and his well-known and well-documented dangerous, violent, and erratic propensities toward women.

47. Unchecked and unmonitored by the BCSO, Stratton emerged from his home hours later, strolled a few hundred feet to Ms. Henry's home, and murdered her.

48. The disregard exhibited by these officers towards the safety of AW, her mother, Ms. Henry, and women in the community, in general, was consistent with, part of, and the result of their department's open and expressed bias towards women and girls, resulting in a custom, practice, and de facto policy of disparate treatment of women and girls harmed by or at risk of harm from criminal conduct.

49. As a result of that deeply engrained custom, practice, and policy, for years before and leading up to the tragic death of Ms. Henry, Defendants allowed Stratton – and other men in the community, including law enforcement officers – to intimidate, harass, and victimize women without intervention, accountability, or repercussions.

50. Over the course of almost two years, Benzie County Dispatch documented at least ten credible complaints from multiple women and girls seeking police intervention to address and mitigate Stratton's threatening behavior toward them, including complaints from his former girlfriend, his sister, several female neighbors, and the principal psychiatrist from the mental



health facility where Stratton had been receiving court-ordered mental health treatment.<sup>2</sup>

51. For example, on April 19, 2020, Defendants Blank and Weaver communicated via CAD about Defendant Blank's response to a frantic 911 call from a woman reporting that she was in the process of fleeing from Stratton, who had called her a "demon," threatened her with a rifle, and wrestled with her before she was able to escape.

52. After Defendant Weaver jokingly asked Defendant Blank if he "gave a nuts guy back his guns lol" and took "away his 22 he assaulted the lady with," Defendant Blank assured him that he only "wanted to get his side of the story" and just took "the ammo and clips," not Stratton's gun.

53. In response, Defendant Weaver sarcastically chided Defendant Blank, sparking the following exchange:

Deputy Weaver: "tisk tisk the women's resource center is gonna complain again"

Deputy Blank: "suck it women lol"

Deputy Weaver: "eat a bag of dicks?"

Deputy Blank: "yup"

Deputy Weaver: "nom nom nom"

54. The BCSO and its officers' disdain for and disparate treatment of women and girls, including those who are the victims of domestic violence and other acts of violence, intimidation, and threats from men, was evident when a female NPS Ranger called Benzie County Dispatch to report that a man wearing a ski mask pulled into her driveway and threatened, "Hey Ranger \*\*\*, I know where you work and now, I know where you live."

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<sup>2</sup> The warning from his psychiatrist was likely made pursuant to MCL § 330.1946, which requires mental health professionals to warn identifiable third parties and local law enforcement if a patient communicates a threat of physical violence against an identifiable third party and has the apparent intent and ability to carry out that threat in the foreseeable future.

55. Defendants Blank and Weaver quickly learned that the identity of the masked man was a former BCSO deputy and current law enforcement officer in Benzie County, nicknamed “Hutch.”

56. The BCSO did not provide this information to the NPS Ranger and instead falsely advised her that there was nothing the BCSO could do to help her.

57. Defendants Blank and Weaver joked about the incident in a CAD-recorded conversation, apparently feeling no risk of reprisal,<sup>3</sup> stated, “tell ranger \*\*\* that hutch was just messing around :).”

58. NPS’ male Superintendent contacted BCSO on her behalf seeking answers and assistance.

59. The BCSO did not provide any follow-up information to the Ranger, and, upon information and belief, “Hutch” was never reported or disciplined.

60. In stark contrast to its custom, policy, and practice of either failing to respond or responding with indifference or a lack of urgency to reports about Stratton or other men threatening women or girls, Defendants responded aggressively, promptly, extensively, and with great force when Stratton’s actions posed a perceived danger to men, including themselves.

61. For example, on November 15, 2021, after Stratton crashed his car while a male BCSO deputy pursued him and then refused to follow the deputy’s command to exit his vehicle, the BCSO swiftly deployed a multi-jurisdictional SWAT team to confront Stratton.

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<sup>3</sup> Upon information and belief, Deputy Blank (who, in addition to covering for the assault of a female NPS Ranger stated, “suck it women” and “yup,” to women should “eat a bag of dicks”) subsequently received an employment evaluation in which he was deemed to “Exceed Standards” of professionalism by his BCSO supervisors and was promoted to Deputy Detective.

62. Approximately ten law enforcement officers from three different law enforcement agencies descended on the scene.



even though, as one responding officer later admitted in Stratton's criminal proceeding, he "wasn't physically fighting us."

65. At all relevant times, as detailed and alleged herein and as to be further established through discovery and at trial, Defendants have made their bias and contempt for women and girls in peril explicit and clear through their words, actions, and inactions.

66. BCSO deputies – utilizing communication channels they were aware could be accessed by the public – openly, with impunity, and without fear of repercussions from their superiors, routinely talked about female crime victims, including victims of Stratton, in degrading and offensive terms.

67. Such words, actions, and inaction reflect a deeply engrained culture, custom,

63. The officers tased Stratton, sprayed him with pepper spray, pulled him from his car, handcuffed him, and arrested him.

64. The officers took those decisive and forceful measures



policy, and practice within Benzie County of ignoring, trivializing, and/or responding with disparate treatment to threats of violence toward women and girls.

68. That culture, custom, policy, and practice, the lack of training by and within Benzie County that enabled that culture, custom, policy, and practice to exist and persist, and BCSO officers acting in line with that culture, custom, policy, and practice, without fear of retribution, were the direct and proximate cause of Ms. Henry's brutal murder, for which, through this action, her surviving son seeks to obtain justice to the fullest extent of the law.

### **JURISDICTION AND VENUE**

69. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the claims involve a question of federal law under 42 U.S.C. § 1983.

70. This Court also has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1343(a)(3) & (4) because this litigation involves claims for the deprivation of civil rights and rights secured by the U.S. Constitution.

71. The Court has supplemental jurisdiction over the state law claims alleged herein pursuant to 28 U.S.C. § 1367 because they arise from a common nucleus of operative facts with the federal claims and are so related to the federal claims as to form part of the same case or controversy under Article III of the U.S. Constitution.

72. The acts giving rise to this action occurred in whole or in part, in the County of Benzie, State of Michigan.

73. Venue in this District is proper pursuant to 28 U.S.C. § 1391, as a substantial part of the events giving rise to the claims in this case occurred in this judicial district.

### **PARTIES**

74. Plaintiff's decedent, Linda Henry, was at all times relevant hereto, a resident of Benzie County, Michigan, and is survived by her son, McCord Henry, who was appointed as Personal Representative of the Estate of Linda K. Henry, on February 2, 2024. (Letters of Authority for Personal Representative attached hereto as Exhibit A).

75. Defendant Benzie County is a municipal corporation and political subdivision of the State of Michigan, which is organized and exists under the laws of the State of Michigan.

76. The BCSO is a department of Defendant Benzie County.

77. At all times relevant, Defendants Blank, Packard, Kosiboski, and Weaver were employees and agents of Benzie County and/or the BCSO.

78. Defendant Blank is, and/or at all times relevant was, a police officer working and/or assigned to the BCSO, and, at all times relevant, was acting under the color of law, in his individual and official capacity, within the course and scope of his employment.

79. Defendant Packard is, and/or at all times relevant was, a police officer working and/or assigned to the BCSO, and, at all times relevant, was acting under the color of law, in his individual and official capacity, within the course and scope of his employment.

80. Defendant Kosiboski is, and/or at all times relevant was, a police officer working and/or assigned to the BCSO, and, at all times relevant, was acting under the color of law, in his individual and official capacity, within the course and scope of his employment.

81. Defendant Weaver is, and/or at all times relevant was, a police officer working and/or assigned to the BCSO, and, at all times relevant, was acting under the color of law, in his individual and official capacity, within the course and scope of his employment.

### **FACTS**

#### **Linda Henry Dedicated Her Life to Her Family and Her Community**

82. Ms. Henry was a 72-year-old grandmother of four. She moved to Benzie County, Michigan in approximately 2007, and enjoyed a professional career with the NPS.

83. Ms. Henry was a loving mother and devoted grandmother. She had a keen intellect and was the first person in her family to go to college.

84. Ms. Henry used her undergraduate teaching degree for many benefits and pursuits, including tutoring at-risk students in the Grand Traverse area.

85. Ms. Henry lived in Beulah, a rural part of Benzie County, where she enjoyed gardening, reading, and spending time with her family.

86. For more than a dozen years, she served as a seasonal Park Ranger with the NPS, frequently stationed at South Manitou Island. She was one of the founders of the Manitou Islands Memorial Society and spent significant time working with the Society to preserve and share the islands' history.

87. McCord Henry moved his family to Beulah, Michigan to be near his mother. They spoke over the phone multiple times a day and saw each other nearly every week.

88. McCord Henry's four children cherished their visits with their grandmother, who taught them how to garden and shared stories through reading.

89. Ms. Henry raised chickens so that her grandchildren could enjoy playing with baby chicks and eating farm-fresh eggs.

90. At the time of her senseless and tragic murder, Ms. Henry had also received licensing approval to operate a daycare out of her home and was set to begin providing childcare services within a matter of weeks.

91. Ms. Henry's few neighbors in rural Benzie County included Stratton, AW, and AW's mother.

**Statton Had a Well-Documented and Long History of Erratic, Threatening, and Violent Behavior Toward Women and Girls in Benzie County, and the BCSO and Its Officers Had a Well-Documented and Long History of Minimizing Women and Girls at Risk of Harm from Stratton**

92. Before Ms. Henry's brutal murder, the BCSO had encountered Stratton frequently, having documented no fewer than ten serious reports about him from various women and girls concerning his threatening behavior within two years.

93. Upon information and belief, Stratton also had a long history of erratic behavior and involuntary hospitalizations, which were known or should have been known to the BCSO.

94. For example, upon information and belief, in or about August 2020, Stratton became fixated on a female who worked at a medical office where Stratton got his glasses.

95. Stratton referred to the woman as one of his "five wives" and showed up unannounced at her house in the middle of the night.

96. The female victim, who resides outside of Benzie County, was so alarmed and threatened by Stratton's behavior that she obtained a personal protection order ("PPO") against him.

97. In investigating the circumstances surrounding Stratton's conduct and the PPO, a Michigan State Police Trooper noted in an affidavit supporting a search warrant that Stratton's conduct towards the female victim "illustrates [Stratton's] state of mind and the propensity to victimize women."

98. Upon information and belief, the BCSO was notified about the PPO shortly after it was issued by the 19<sup>th</sup> Judicial Circuit Court<sup>4</sup> when it was entered into the Law Enforcement Information Network (LEIN).

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<sup>4</sup> The 19<sup>th</sup> Judicial Circuit is comprised of two counties, Manistee and Benzie.

99. Upon information and belief, the BCSO received notice in or about March 2021, that Stratton was arrested in or around Holland, Michigan, and admitted for psychiatric evaluation.

***Stratton Violently Assaulted a Woman with a Rifle Only to Have the Incident Minimized by Benzie County Deputies***

100. On April 15, 2020, Benzie County resident Michele Lonoconus contacted emergency services to report that Stratton was experiencing a mental crisis, had previous suicide attempts, and possessed firearms at his residence, and that she was worried about his potential actions.

101. BCSO Deputies Mark Ketz and Martin Makowski were dispatched to Stratton's house.

102. Although Deputy Ketz reported that Stratton was shouting and asked him if he was "*the spirit who believes that Jesus Christ is in the flesh*," he concluded that Stratton was "*alive and well*" and left.

103. No further action was taken, and the incident was reported as "cleared."

104. Shortly thereafter, an acquaintance of Stratton's took him to Munson Medical Center where he received a sedative and was kept overnight.

105. While Stratton was at Munson, Ms. Lonoconus took protective measures into her own hands and removed the guns she could find in Stratton's house and put them in her basement for safekeeping.

106. On April 19, 2020, following Stratton's release from Munson, Ms. Lonoconus called 911 as she was frantically fleeing Stratton in her car.

107. Ms. Lonoconus told Dispatch that Stratton had called her a "demon," threatened her with a rifle, demanded that she kneel, and then assaulted her.



108. She told dispatch that as she was backing out of the room, Stratton came at her, they wrestled, and she somehow managed to push past him, run to her car, and flee.

109. Instead of addressing the severity of Stratton's attack on Ms. Lonoconus, BCSO officers downplayed the assault, prioritized returning his firearms, and ultimately gave him back his weapons while mocking both women and a women's advocacy group.

***Deputies Promised to Return Stratton's Weapons to Him While Expressing Misogyny and Disdain for Women and the Women's Resource Center***

110. On April 19, 2020, Deputy Blank and Deputy Weaver communicated about the incident involving Stratton and Ms. Lonoconus. Specifically, the BCSO deputies made the following disparaging comments that were communicated via the CAD system and detailed and alleged above.

111. As further detailed and alleged above, Deputy Blank and Deputy Weaver expressed the apparent hilarity ("lol") they found in re-arming a "nuts guy" accused of threatening a woman with a loaded firearm – and seized this context to disparage women and organizations founded to protect women.

112. Deputy Blank's conversation with Deputy Weaver reflects an absolute bias and indifference to the safety of women.

113. Upon information and belief, CAD systems, including the system utilized by the BCSO deputies, provide records and information that are available to all agencies in the public safety ecosystem.

114. Upon information and belief, the BCSO did not admonish Deputy Blank for his disdainful conduct.

115. Upon information and belief, the BCSO promoted Deputy Blank to Deputy Detective in 2022.

***Benzie County Deputies Failed to Adequately Respond When Stratton Sexually Assaulted His 14-Year-Old Female Neighbor and Otherwise Terrorized Her and Her Mother***

116. On January 31, 2022, Ms. Henry's neighbor, TW, called Dispatch requesting that an officer come to her residence to take a report regarding an incident that occurred earlier in the day. Specifically, TW reported that:

Her "60-plus-year-old neighbor [Stratton] grabbed, and squeezed [her] 14-year-old daughter's bottom and then told her she had a nice ass, and that he'd be back later. The man lives across the street from me. He's been popping up and like scaring the f\*\*\* bejesus out of me randomly, like during the day, during the night. He just materializes on the porch."

117. TW informed the dispatcher that Stratton was mentally ill, talking to himself, and had confessed to burning down a neighbor's pole barn the past year.

118. The Michigan State Police responded, and Stratton was subsequently arrested and charged with 4th Degree Criminal Sexual Conduct arising out of his actions.

119. On February 1, 2022, upon advice from the Michigan State Police, TW filed for a PPO in Benzie County against Stratton.

120. TW's PPO was denied.

121. On February 2, 2022, Stratton was released from custody pursuant to a Pretrial Release Order, which expressly stated that Stratton would be subject to *arrest without a warrant* if he violated any of the conditions set forth in the Release Order, including among others that he "not have . . . any direct or indirect contact with" TW or her daughter, AW.

122. The next day, on February 3, 2022, Michele Lonoconus called the BCSO to report Stratton's erratic and dangerous behavior.

123. Based on her conversation with the BCSO regarding her report, Ms. Lonoconus did not believe that BCSO took her report seriously.

124. Upon information and belief, following Ms. Lonoconus' call, rather than check on Stratton in person, Deputy Blank stated, "I don't want to deal with [Stratton's] crazy ass," and instead spoke with Stratton on the phone.

125. While on the phone, Stratton stated that he did not agree with Community Mental Health regarding his medications and Deputy Blank thereafter cleared the call.

126. In a follow-up communication with Dispatch, a female dispatcher can be heard expressing incredulity ("*Really!*") when told that the Stratton call was cleared.

127. Unsatisfied with the BCSO response to her report, and still concerned about Stratton's behavior, Ms. Lonoconus contacted Centra Wellness, a Community Mental Health Service Provider for Manistee and Benzie Counties, to report her concerns regarding Stratton's behavior.

128. Following Ms. Lonoconus' report to Centra Wellness, a BCSO Deputy called Ms. Lonoconus and simply asked why Ms. Lonoconus was concerned about Stratton's behavior.

129. Upon information and belief, Ms. Lonoconus stated that her reports and concerns regarding Stratton were not taken seriously by BCSO personnel because she is a woman.

130. Thereafter, late on the night of February 3, 2022, and into the early morning hours of February 4, 2022 (just hours prior to murdering Ms. Henry), and in violation of his Pretrial Release Order, Stratton attempted to break into TW's home.

131. TW called 911 Dispatch to report Stratton's violation of the Release Order stating "*he's violating his bond right now. And now he's slinking around our windows. We need someone here. This man is dangerous.*" In the call, AW can also be heard screaming "*I've got a gun I am fourteen years old and the only one in the house that knows how to use it. I will shoot that man so get someone here now!*"

132. TW heard banging and violent yanking on her front door.

133. She then investigated the sounds and clearly witnessed Stratton banging on the door and otherwise trying to get into her home.

134. When Stratton saw TW, he flipped her off and proceeded to the rear of her property to attempt entry through the back door. However, that door was also locked, and Stratton was unable to enter the house. TW reported all this to Defendants Kosiboski and Packard.

135. Despite this, in “responding” to the call, Defendants Kosiboski and Packard asked TW if she was sure that it was Stratton who had tried to break into her house.

136. TW responded that she clearly saw that it was Stratton, the same person who had assaulted her daughter earlier that week.

137. Additionally, TW told Defendants Kosiboski and Packard that the footprints in the snow from her doors also clearly led back to Stratton’s house, which had deranged satanic graffiti and profanity written on the front door.

138. Despite Stratton’s clear violation of the Release Order, Defendants Kosiboski and Packard told TW and AW that they were “all set for the night” and left the two women and their female neighbors (including Ms. Henry) to fend for themselves.

139. TW was extremely upset that law enforcement was completely disregarding her and her daughter’s safety.

140. The deputies erroneously told TW that she needed to get a protective order to further protect herself, when, in fact, Stratton’s Pretrial Release Order already contained a no-



contact condition – expressly enforceable by immediate arrest – that protected her and her daughter and then left without providing further explanation.

141. Following Defendants Kosiboski and Packard’s visit to TW’s residence, the Benzie County Prosecutor prepared a motion to revoke Stratton’s bond based on information the deputies must have provided to the Prosecutor’s office.

142. The recitation of facts in the first draft of the motion – which was signed by the Chief Assistant Prosecuting Attorney – reveals the deputies’ knowledge that Stratton was a threat to the public.

143. The motion recognized that Stratton’s sexual assault of AW was a crime that ***“poses a significant risk of harm to the general public,”*** asserted the conditions of his pre-trial release were ***“for the purpose of protecting the public,”*** and warned that ***“[i]rreparable harm may occur if this motion is not granted immediately.”***<sup>5</sup>

144. The motion requested that *“Defendant’s bond be reviewed considering the potentially increased risk to the safety of the public.”*

145. Yet, once again, the immediate danger Stratton posed to women was minimized because no mention was made of the numerous, panicked calls to 911, including the content of those calls that referenced the possession and threatened use of weapons and deadly force.

146. Stratton’s behavior earlier that day towards the minor female victim and her mother was also sanitized and misrepresented, with the motion stating only that *“Defendant made contact with the Victim and her mother ... on February 4, 2022. He knocked on the door of the house in which the Victim and [mother] reside around 12:45 AM. [The mother] did not*

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<sup>5</sup> That last sentence was removed from the motion before it was filed, underscoring the practice, policy, and custom throughout Benzie County of downplaying and minimizing the risks of harm – including risks of “irreparable harm” – faced by women and girls in Benzie County.

*answer the door and gestured for the Defendant to leave. The Defendant flipped her off and then took off.”*

147. As a result, the motion filed by the prosecutor did not seek emergency relief.

148. Just hours after Defendants Kosiboski and Packard left TW’s residence, Stratton, free to walk about despite being a threat to the public, walked next door and murdered Ms. Henry.

**Stratton’s Preventable Murder of Linda Henry**

149. At approximately 2:00 p.m. on February 4, 2022, Ms. Henry, who lived across the street – roughly 500 feet away – from TW’s residence and next door to Stratton’s residence, called her son McCord when she noticed a man (later determined to be Stratton) in her driveway acting strangely.

150. Ms. Henry told McCord that the man was approaching her house, McCord heard glass shatter and his mother ask the intruder why he had done that, to which the intruder replied, “because you’re evil.”

151. McCord’s call with his mother was thereafter disconnected, and McCord called 911. McCord’s call to 911 was initially routed to Leelanau County Dispatch before it was transferred to Benzie County Dispatch.

152. By the time the deputies arrived, Stratton had bashed Ms. Henry’s head and face with a hammer, steel-scooped shovel, and firewood; stabbed her repeatedly with a filet-style knife; and set her on fire by dumping burning logs and hot embers from her woodstove on her body.

153. The burning was so bad that it “took two and a half fire extinguishers and a backpack water tank filled with fire retardant and water to get [Ms. Henry’s] body to stop burning.”

154. McCord arrived on scene within thirty-five minutes after being disconnected from the call with his mother.

155. As numerous additional officers arrived at the scene, McCord noticed that the officers seemed more interested in suiting up in their SWAT gear than tending to the problem at hand or communicating with Ms. Henry’s family.

156. At approximately 2:30 a.m., after waiting on scene approximately twelve straight hours, McCord was permitted to enter his mom’s house.

157. McCord entered the house, boarded up the broken windows, and locked doors, without Benzie County officials or agents offering any assistance.

158. In comparison, upon information and belief, following a home invasion and structure fire to a residence and garage owned by a male, the BCSO issued a press release urging the community to help support the male victim and his family.

159. On or about February 6, 2022, after the crime scene was allegedly cleaned, McCord found several of his mother’s teeth under her charred bed.

160. He also found burn holes and blood-spatter on his mother’s bed sheets, along with a blood and hair-covered piece of wood that had presumably been used by Stratton to beat his mother.

161. The same day, Benzie County charged Stratton with Homicide – Open Murder for Ms. Henry’s murder.

162. On or about April 25, 2024, the 19<sup>th</sup> Judicial Circuit Court for Benzie County adjudicated Stratton not guilty by reason of insanity.

163. Michigan law provides that a person may only be deemed legally insane if “that person lacks substantial capacity either to appreciate the nature and quality or the wrongfulness of his or her conduct or to confirm his or her conduct to the requirements of the laws.” MCL § 768.21a(1).

164. To date, Stratton continues to present a danger to himself and the community and, as a result, remains involuntarily confined to an in-patient psychiatric facility.

**Benzie County and Its Officers Have Similarly Dismissed, Minimized, and Inadequately Responded to Reports of Threats and Risks of Harm Faced by Women**

165. The BCSO’s inequitable conduct has extended beyond reports and complaints concerning Stratton and the danger he posed to women in Benzie County.

166. For example, on September 25, 2020, a female NPS Ranger called Dispatch and reported that an unknown man wearing a black ski mask had pulled up to her driveway and menacingly said, “Hey, Ranger \*\*\*, I know where you work and now, I know where you live,” before driving off.

167. The Ranger contacted Dispatch to report the incident.

168. The Ranger was assured that someone from the BCSO would contact her, but no one ever did.

169. Thereafter, a male NPS Superintendent contacted the BCSO to request attention to the Ranger’s complaint.

170. In contrast to the BCSO’s inaction in response to the female Ranger’s report, immediately after the male NPS Superintendent contacted the BCSO, a BCSO deputy met the Ranger at her home and took her statement.



171. However, after taking her statement, the BCSO did not provide any follow-up information to the Ranger or take any further action on her complaint.

172. By September 28, 2020, Deputy Weaver and Deputy Blank had apparently determined the identity of the masked man, whom they referred to as “Hutch,” who, upon information and belief, is a former BCSO deputy and a current law enforcement officer in Benzie County.

173. Neither Deputy Weaver nor Deputy Blank provided any information about the masked man to the Ranger.

174. In a CAD-recorded conversation, Deputy Weaver and Deputy Blank discussed the incident as follows:

Deputy Blank: “tell ranger \*\*\* that hutch was just messing around :)”

Deputy Weaver: “oh I left a lot of stuff out of that pass along. apparently the nps is not happy with us and think we are not taking the incident seriously”... apparently ranger \*\*\* took the week off because of it”

Deputy Blank: “i have no doubt you will hunt him down”

Deputy Weaver: “troy didn’t even put a pass along info to all of us”

Deputy Blank: “that figures”

Deputy Weaver: “troy f\*\*\* threw me under the bus tell her there is nothing we can do cause the guy didn’t make any threats and she is fine cause amanda and i live around the corner. If we aren’t working we aren’t going to know if she needs help or not!”...”you ok there?”...”lol”...”lol no”

Deputy Blank: “jesus”...”bye”

175. In addition to that incident, in February 2017, TW, AW’s mother, called Benzie Dispatch to report that a car full of men had forced her car off the road.

176. In “responding” to the incident, BCSO Deputies failed to take the report seriously, and, instead of addressing the incident, demanded that TW remove a social media post she had

made regarding the incident.

177. In yet another example, on January 31, 2020, Robin Harper, a female Benzie County resident, called Benzie Dispatch to report an incident and request assistance regarding a man who showed up at her work and exhibited aggressive and threatening behavior.

178. The Benzie Dispatcher informed Ms. Harper that someone from the BCSO would call her back. However, five days later, no one from the BCSO had called Ms. Harper back.

179. Upon information and belief, on February 5, 2020, Ms. Harper emailed Dispatch again asking for assistance.

180. On February 6, 2020, Ms. Harper was finally contacted by a BCSO Deputy.

181. After exchanging a detailed chronology of events via email, including details about someone stopping in front of her house and taking pictures of it on the night of January 31, 2020, the BCSO Deputy sent an email stating that he would “author a report documenting [her] concern along with sending an email request to all road deputies to pay some extra attention to the area surrounding [her] residence.”

182. However, records indicate that the BCSO Deputy did not report the matter to Dispatch until a week later, on February 13, 2020, and the matter was noted as “cleared” at the same time it was received.

183. Ms. Harper, like the female NPS Ranger, also did not receive any additional follow-up from the BCSO.

184. Various other incidents, though not related to risks of harm to women or girls, further underscore the deeply engrained bias against women and girls within Benzie County and the BCSO.

185. For example, upon information and belief, following Ms. Henry’s murder, a horse

belonging to TW escaped as a result of the Benzie County law enforcement personnel and equipment used in the search for Stratton. However, after Stratton was taken into custody, BCSO deputies and animal control officers refused to help TW corral her horse that they had caused to escape.

186. Upon information and belief, in approximately December 2017, a BCSO deputy and other Benzie County personnel wrongfully seized and killed animals belonging to a female Benzie County resident without notice or process. The female resident subsequently brought and settled a federal civil rights lawsuit against the County and its personnel.

187. Upon information and belief, in approximately 2010, Ms. Henry contacted Benzie County Animal Control following the decapitation of multiple chickens on her property. Rather than offer any assistance, Benzie County personnel were dismissive of Ms. Henry's report and otherwise failed to take any action.

188. Upon information and belief, in approximately 2012, Ms. Henry assisted a female Benzie County employee in bringing a charge of gender and race discrimination against Benzie County personnel.

189. Following her participation, and based on her perceptions of what transpired during that process, Ms. Henry developed the impression that harmful and dismissive conduct towards women within Benzie County was both prevalent and condoned by Benzie County personnel.

190. Upon information and belief, in approximately July 2019, Ms. Henry was in her home with one of her grandchildren when Stratton approached her sliding door and insisted on coming inside.

191. When Ms. Henry told Stratton that she would not let him inside her home, Stratton attempted to pull open her sliding door.

192. Fortunately, Ms. Henry kept a broom handle in the slider track of the door which prevented the door from opening more than a couple of inches.

193. Ms. Henry was very shaken by the incident and immediately called her daughter-in-law, who suggested that Ms. Henry call the BCSO.

194. However, Ms. Henry told her daughter-in-law that based on her experiences, she did not believe that the BCSO would help in any way.

**Law Enforcement Officers Took Decisive and Forceful Measures When the Health and Safety of Males was at Issue**

195. On November 15, 2021, a BCSO deputy pursued Stratton while he was driving on at least two flat tires and refused orders to pull over.

196. Stratton eventually crashed his vehicle, prompting the deputy to draw his firearm and demand Stratton to exit the vehicle, and show his hands. Stratton refused and the deputy immediately called for backup.

197. In response, and in contrast to the BCSO's minimization of Ms. Lonoconus' assault, the BCSO swiftly deployed a multi-jurisdictional SWAT team to confront Stratton.

198. Approximately ten law enforcement officers from three different law enforcement agencies descended on the scene and deployed pepper spray, tasers, and rifles. The officers sprayed and tased Stratton before physically extracting him from the window of his vehicle, handcuffing him, and placing him under arrest. Notably, one of the arresting officers testified in Stratton's criminal proceeding that Stratton "wasn't physically fighting us."

199. Nevertheless, once a threat was perceived, the deputies did not leave Stratton alone or unmonitored and forcefully arrested him without delay.

200. The BCSO official Service Call Summary regarding this incident described these actions as a “reasonable response.”

201. Additionally, upon information and belief, during a traffic stop in July 2019, Defendant Weaver, upon perceiving a threat to his own safety, broke the driver’s side window of a motorist’s vehicle, withdrew his taser, and shot the motorist multiple times with his taser. Again, once a threat was perceived, Defendant Weaver did not leave the motorist alone or unmonitored and forcefully arrested the motorist without delay.

202. Upon information and belief, criminal charges against the motorist were ultimately dismissed and the motorist subsequently brought and settled a federal civil rights lawsuit against Defendant Weaver and Benzie County.

## **CLAIMS FOR RELIEF**

### **COUNT I**

***Inadequate Training/Custom of Inaction, Tolerance, and Intentionally Treating Women at Risk of Harm Differently than Men at Risk of Harm in Violation of Plaintiff’s Constitutional Rights Under the Equal Protection Clause Pursuant to 42 U.S.C. § 1983***

**(Defendant Benzie County)**

203. Plaintiff incorporates all preceding paragraphs into this Count by reference as though fully stated herein.

204. 42 U.S.C. § 1983 provides for civil liability of units of government for the deprivation of any right, privilege, and immunities carried by the Constitution and laws of the United States and the State of Michigan.

205. At all times relevant, Defendants were acting under the color of law in the custom and practice of Benzie County, and its sheriff’s department.

206. Ms. Henry was a female and a member of a protected class.

207. It is well-established that governmental units, like Defendant Benzie County, cannot deny their protective services to members of a protected class without violating the Equal Protection Clause.

208. At all times relevant, Defendant Benzie County, by its own custom, policy, and/or practice, deliberately provided less protections to women at risk of harm than men at risk of harm; failed to properly train, evaluate, supervise, investigate, review, and discipline its deputies and officers on matters related to the protections provided to women at risk of harm; allowed the individual Defendants to continue as law enforcement officers after their disparaging comments against women; and provided inadequate, intentionally selective, and disparate treatment of women at risk of harm, like Ms. Henry, as opposed to men at risk of harm, thereby denying Ms. Henry her constitutional right to equal protection under the law in violation of the U.S. Constitution.

209. Despite the known history of the BCSO's and its officers' deliberate and disparate treatment of women and girls at risk of harm, which constituted violations of the Equal Protection Clause, Benzie County failed to correct or otherwise implement training policies to cure these known and ongoing violations.

210. Alternatively, given Defendant Benzie County's, the BCSO's, and its officers' history of violations, Defendants should have been aware of the need for additional training.

211. At all times relevant, Defendant Benzie County by its failure to correct the ongoing and deliberate behavior of the deputies and/or employees and/or agents under its supervision, which Defendant Benzie County knew or should have known, resulted in the deliberate and disparate treatment of women and girls at risk of harm, including from criminal conduct, and created the potential for the intentional, willful, wanton, reckless, deliberately

indifferent, grossly negligent acts, as well as acts that violated the rights of women and girls in Benzie County to equal protection under the law, and allowed, condoned, approved, acquiesced in, and/or encouraged the individual Defendants to operate and continue to operate as law enforcement officers despite their bias against, and disparate treatment of, women and girls, which resulted in Linda Henry being deprived of her right to equal protection of the laws, and her right to not be subjected to selective enforcement of laws, in violation of the United States Constitution, because of Ms. Henry's sex.

212. Despite Defendant Benzie County's knowledge of the individual Defendants' history and pattern of engaging in the discriminatory, inadequate, intentionally selective, and deliberate disparate treatment of females at risk of harm, including from criminal conduct, Defendant Benzie County condoned and ratified said discriminatory mistreatment of Ms. Henry, because of Ms. Henry's sex.

213. Defendant Benzie County is liable for the intentional, willful, wanton, and reckless acts and/or omissions of its deputies pursuant to the County's deeply engrained customs, policies, and/or practices, which resulted in women and girls in Benzie County, including Ms. Henry, being unlawfully, wrongfully, and without justification deprived of equal protection of the law and subject to selective enforcement of the law with respect to the protections they were given when they faced a risk of harm, all of which were proximate causes of Ms. Henry being denied equal protection of laws because of her sex and, ultimately, her tragic murder.

214. At all relevant times, Defendant Benzie County had a custom of tolerating and tacitly approving the persistent pattern of disparate treatment by its deputies of women and girls who faced a risk of harm, including from criminal conduct, of which Defendant Benzie County had actual or constructive notice.

215. That custom of tolerance and tacit approval of that disparate treatment resulted in a de facto official policy of disparate treatment of women and girls facing a risk of harm, including from criminal conduct.

216. As a direct and proximate result of Defendant Benzie County's inadequate training and/or customs of inaction, tolerance, deliberate indifference to, and intentionally treating females at risk of harm differently than men at risk of harm, Ms. Henry was deliberately provided less protection by Benzie County than similarly situated men and deprived of her right to equal protection under the Fourteenth Amendment to the United States Constitution.

217. As a direct and proximate result of this deprivation, Ms. Henry was killed.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of the Plaintiff and against Defendant Benzie County in whatever amount the Court deems just and equitable, including compensatory damages plus allowable costs, interest, and attorney fees as set forth in 42 U.S.C. § 1988, and all damages recoverable under Michigan's Wrongful Death Act, M.C.L. § 600.2922(6), including but not limited to:

- a. The conscious pain and suffering endured by Ms. Henry during the time Stratton was brutally attacking her up to her death;
- b. Attorneys' fees and costs; and
- c. Such other and further relief as this Court deems just and proper.

## **COUNT II**

***Violation of Plaintiff's Constitutional Rights Pursuant to 42 U.S.C. § 1983  
Selective Enforcement of Laws on the Basis of Sex in Violation of the Equal Protection Clause***

**(Defendants Martin Blank, Troy Packard, James Kosiboski, and  
Matthew Weaver, Individually)**

218. Plaintiff incorporates all preceding paragraphs into this Count by reference as though fully stated herein.



219. Plaintiff's decedent, Linda Henry, claims damages pursuant to 42 U.S.C. § 1983 against Defendants Deputy Martin Blank, Deputy Troy Packard, Deputy James Kosiboski, and Deputy Matthew Weaver for violations of her constitutional rights and laws of the United States and the State of Michigan, while she was alive.

220. At all times relevant, while Defendants Deputy Martin Blank, Deputy Troy Packard, Deputy James Kosiboski, and Deputy Matthew Weaver were acting under the color of statutes, ordinances, regulations, and/or customs of the State of Michigan and the County of Benzie, and within the scope and course of their employment, when they subjected Ms. Henry to a deprivation of her rights, privileges, and immunities secured by the Constitution and laws of the United States and Michigan, which resulted in her death.

221. At all times relevant, the individual Defendants were required by the Constitution and laws of the United States and Michigan to equally investigate and enforce laws for the protection of females at risk of harm as provided to males at risk of harm.

222. The individual Defendants are not entitled to qualified immunity because they violated Ms. Henry's clearly established equal protection right to nonselective denial by the state of its protective services to certain disfavored minorities, such as women.

223. Defendant Blank intentionally and selectively denied police protection to women and girls in Benzie County, including Ms. Henry, on the basis of sex, as compared to the level of protection he provided to men.

224. Defendant Packard intentionally and selectively denied police protection to women and girls in Benzie County, including Ms. Henry, on the basis of sex, as compared to the level of protection he provided to men.

225. Defendant Kosiboski intentionally and selectively denied police protection to women and girls in Benzie County, including Ms. Henry, on the basis of sex, as compared to the level of protection he provided to men.

226. Defendant Weaver intentionally and selectively denied police protection to women and girls in Benzie County, including Ms. Henry, on the basis of sex, as compared to the level of protection he provided to men.

227. As a direct and proximate result of Defendants Deputy Martin Blank, Deputy Troy Packard, Deputy James Kosiboski, and Deputy Matthew Weaver intentionally treating women at risk of harm, including Ms. Henry, differently than men at risk of harm, Ms. Henry was deprived of her right to equal protection under the Fourteenth Amendment to the United States Constitution.

228. As a direct and proximate result of this deprivation, Ms. Henry was brutally killed.

229. The actions of Defendants Blank, Packard, Kosiboski, and Weaver were motivated by evil motive or intent and involve reckless or callous indifference to the federally protected rights of women and girls in Benzie County, including Ms. Henry.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of the Plaintiff and against Defendants Deputy Martin Blank, Deputy Troy Packard, Deputy James Kosiboski, and Deputy Matthew Weaver in whatever amount the Court deems just and equitable, including compensatory and punitive damages plus allowable costs, interest, and attorney fees as set forth in 42 U.S.C. § 1988, and all damages recoverable under Michigan's Wrongful Death Act, M.C.L. § 600.2922(6), including but not limited to:

- a. The conscious pain and suffering endured by Ms. Henry during the time Stratton was brutally attacking her up to her death;

- b. Attorneys' fees and costs; and
- c. Such other and further relief as this Court deems just and proper.

### **COUNT III**

#### ***Violation of the Michigan Elliott-Larsen Civil Rights Act, Pursuant to M.C.L. 37.2101 et seq.***

#### **(All Defendants)**

230. Plaintiff incorporates all preceding paragraphs into this Count by reference as though fully stated herein.

231. The Michigan Elliott-Larsen Civil Rights Act ("ELCRA") "is aimed at 'the prejudices and biases' borne against persons because of their membership in a certain class, and seeks to eliminate the effects of offensive or demeaning stereotypes, prejudices, and biases." *Radtko v. Everett*, 442 Mich. 368, 379, 501 N.W.2d 155, 161 (1993) (citing *Miller v. C.A. Muer Corp.*, 420 Mich. 355, 363; 362 N.W.2d 650 (1984)).

232. ELCRA states that "a person shall not: (a) Deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of a place of public accommodation or public service because of religion, race, color, national origin, age, sex, or marital status." M.C.L. § 37.2302(a) (emphasis added).<sup>6</sup>

233. Defendants Benzie County, Deputy Blank, Deputy Packard, Deputy Kosiboski, and Defendant Matthew Weaver are considered "person[s]" under ELCRA. *See* M.C.L. § 37.2103(h) ("'Person' means an individual, agent, association, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization, this state or a

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<sup>6</sup> M.C.L. § 37.2302 was amended by Public Act 6 of 2023 to take effect 91 days after adjournment of the 2023 regular session of the Michigan State Legislature.

political subdivision of this state or an agency of this state, or any other legal or commercial entity.”); *see also* M.C.L. § 37.2103(i) (“‘Political subdivision’ means a county, city, village, township, school district, or special district or authority of this state.”).

234. Plaintiff decedent, Linda Henry, was a female “individual” and a member of a protected class under ELCRA. *See* M.C.L. § 37.2302(a).

235. ELCRA defines a “public service” as a “public facility, department, agency, board, or commission, owned, operated, or managed on behalf of the state, a political subdivision, or an agency thereof . . . .” M.C.L. § 37.2301(b).

236. At all material times, Defendant Benzie County, through *inter alia*, the provision of law enforcement and emergency response services by the BCSO and its deputies Defendants Deputy Blank, Deputy Packard, Deputy Kosiboski, and Deputy Weaver, is considered a “public service” under ELCRA.

237. Under ELCRA, “Discrimination because of sex includes sexual harassment. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature under the following conditions: . . . (iii) The conduct or communication has the purpose or effect of substantially interfering with an individual’s employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.” *See* M.C.L. § 37.2103(k) (emphasis added).

238. Defendants Benzie County, Deputy Blank, Deputy Packard, Deputy Kosiboski, and Deputy Weaver were under a statutory duty to provide public services so that Ms. Henry would not be denied the full and equal enjoyment of public services on account of sex.

239. Defendants Benzie County, Deputy Blank, Deputy Packard, Deputy Kosiboski, and Deputy Weaver intentionally discriminated against the decedent, Linda Henry, “because of sex,” through conduct and/or communications that had the purpose and effect of substantially interfering with Ms. Henry’s public services, and/or creating intimidating, hostile, and/or offensive public services pursuant to ELCRA.

240. As a direct and proximate result of this intentional discrimination, Ms. Henry was brutally killed.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of the Plaintiff and against Defendants Deputy Martin Blank, Deputy Troy Packard, Deputy James Kosiboski, Deputy Matthew Weaver, and Benzie County in whatever amount the Court deems just and equitable, including compensatory damages, allowable costs, interest, and attorney fees as set forth in M.C.L. § 37.2801(3), and all damages recoverable under Michigan’s Wrongful Death Act, M.C.L. § 600.2922(6), including but not limited to:

- a. Funeral and burial expenses incurred;
- b. The conscious pain and suffering endured by Ms. Henry during the time Stratton was brutally attacking her up to her death;
- c. Losses suffered by the next kin of Ms. Henry as a result of her death, including but not limited to:
  - i. Loss of financial support;
  - ii. Loss of service; and
  - iii. Loss of society and companionship.

#### **PRAYER FOR RELIEF**

Plaintiff prays the Court for judgment in Plaintiff’s favor and against Defendants, awarding Plaintiff compensatory damages in an amount to be established at trial, punitive

damages, exemplary damages, attorneys' fees and costs, legal interest, and such other relief as the Court may deem just and proper under the circumstances.

**JURY DEMAND**

Plaintiff respectfully demands a trial by a jury.

Date: January 30, 2025

Respectfully submitted,

/s/ Bailor Bell

Bailor Bell (P79015)

Douglas Fierberg (P76429)

Jacob Goodman (P87674)

The Fierberg National Law Group, PLLC

201 East 17<sup>th</sup> Street, Suite A

Traverse City, MI 49684

Telephone: (231) 933-0180

Fax: (231) 252-8100

bbell@tfnlgroup.com

dfierberg@tfnlgroup.com

jgoodman@tfnlgroup.com

*Attorneys for Plaintiff McCord Henry,  
Personal Representative of the Estate Linda  
Henry*